

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: LION AIR FLIGHT
JT 610 CRASH

Lead Case: 1:18-cv-07686

Honorable Thomas M. Durkin

CONSOLIDATED WITH

1:18-cv-08006	1:19-cv-00622	1:19-cv-00797
1:19-cv-00802	1:19-cv-01550	1:19-cv-01552
1:19-cv-01553	1:19-cv-01554	1:19-cv-01695
1:19-cv-01698	1:19-cv-01703	1:19-cv-01714
1:19-cv-01924	1:19-cv-01935	1:19-cv-01992
1:19-cv-02315	1:19-cv-02240	1:19-cv-02774
1:19-cv-02213	1:19-cv-02398	1:19-cv-02919
1:19-cv-02979	1:19-cv-02982	1:19-cv-02987
1:19-cv-02764	1:19-cv-04897	1:19-cv-01588
1:19-cv-01598	1:19-cv-01600	1:19-cv-01601
1:19-cv-01623	1:19-cv-01624	1:19-cv-01625
1:19-cv-01626	1:19-cv-01697	1:19-cv-01701
1:19-cv-01712	1:19-cv-01715	1:19-cv-01932
1:19-cv-01951	1:19-cv-02312	1:19-cv-02074
1:19-cv-02241	1:19-cv-02212	1:19-cv-02214
1:19-cv-02400	1:19-cv-02025	1:19-cv-02980
1:19-cv-02084	1:19-cv-03415	1:19-cv-04589
1:19-cv-05211	1:19-cv-05214	1:19-cv-05217
1:19-cv-05213	1:19-cv-05215	1:19-cv-05220
		1:19-cv-05311

**DEFENDANT THE BOEING COMPANY'S
MOTION FOR REASSIGNMENT OF RELATED CASE**

Defendant The Boeing Company ("Boeing"), through its undersigned counsel, respectfully moves this Court to enter an order finding the above-captioned case is related to the case attached as Exhibit A, and reassigning the case attached as Exhibit A to this Court pursuant to Local Rule 40.4. In support of this Motion, Boeing states as follows:

1. On October 29, 2018, a Boeing 737-8 aircraft (the "Subject Aircraft"), operated by Lion Air as Lion Air Flight JT 610 ("Lion Air JT 610"), departed from Jakarta, Indonesia en

route to Pangkal Pinang, Indonesia. Shortly after takeoff, Lion Air JT 610 crashed into the Java Sea off the coast of Indonesia. All 189 passengers and crew members died in the accident.

2. On November 19, 2018, plaintiffs filed this lawsuit (the “*Saputra*” action) against Boeing on behalf of three Lion Air JT 610 passengers. The *Saputra* plaintiffs claim the crash occurred because of alleged defects on the Subject Aircraft. *See* Dkt. 1, Complaint. The *Saputra* complaint alleges wrongful death and survival claims and asserts causes of action sounding in strict products liability and negligence. *See id.*

3. The Court consolidated *Saputra* and all related Lion Air JT 610 actions pending before it and captioned the consolidated case “In re Lion Air Flight JT 610 Crash.” *See, e.g.*, Dkt. 37, 73, 138. Fifty-nine Lion Air JT 610 lawsuits are pending before this Court.

4. On August 1, 2019, Boeing was served with a lawsuit in the Circuit Court of Cook County, Illinois, on behalf of Lion Air JT 610 passengers, and Boeing timely removed the action on August 30, 2019. The case is *Warti v. The Boeing Company*, No. 19-cv-05842 (assigned to Hon. Marvin E. Aspen) (the “Removed Action”). The notice of removal, without exhibits except for the complaint, is attached as Exhibit A.

5. Plaintiffs in the Removed Action also claim the accident occurred because of alleged defects on the Subject Aircraft. *See* Ex. A. The Removed Action also alleges wrongful death and survival claims, and assert causes of action sounding in strict products liability and negligence. *Id.*

6. Judges in this District have observed that the random case assignment system can often lead to “situations in which two or more cases that are closely related will be pending before different judges.” *Garner v. Country Club Hills*, No. 11 C 5164, 2012 WL 1900020, at *1 (N.D. Ill. May 23, 2012). Accordingly, Local Rule 40.4(b) provides for assignment of “related” actions to a single judge where “(1) both cases are pending in this Court; (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort; (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and (4) the

cases are susceptible of disposition in a single proceeding.” Actions are related if the cases involve some of the same issues of fact or law or the cases grow out of the same transaction or occurrence. *See L.R. 40.4(a)(2)-(3).*

7. Courts routinely reassign related cases under this rule. *See e.g., Popovich v. McDonald's Corp.*, 189 F. Supp. 2d 772, 778 (N.D. Ill. 2002) (finding L.R. 40.4(b)(4) met where two civil cases “[arose], in significant part, from the same transactions and occurrences” and were “susceptible of resolution in a single proceeding,” and “because of the overlap in issues, the handling of both cases by one judge [was] likely to result in a substantial savings of time and effort”); *Perry v. Chicago Housing Auth.*, No. 13-cv-5819, 2013 WL 5408860, at *2-3 (N.D. Ill. Sept. 26, 2013) (same). Indeed, more than 50 Lion Air JT 610 cases already have been reassigned under this Rule to this Court.

8. Given the identity of the factual allegations at issue, the Removed Action plainly involve “common question[s] of law or fact” with and are “related” to the consolidated proceeding under Local Rule 40.4(a). The Removed Action and consolidated proceeding involve wrongful death and survival claims brought on behalf of Lion Air JT 610 passengers or crew members against Boeing. Plaintiffs in the Removed Action and consolidated proceeding assert causes of action involving strict products liability and negligence. The claims arise out of the same incident on October 29, 2018. The remaining conditions for reassignment under Local Rule 40.4(b) also are met. First, due to the random assignment system, the Removed Action and consolidated proceeding are pending in this District before different judges. Second, reassigning the Removed Action to this Court will conserve judicial resources because the cases involve the same allegations and issues and, therefore, it will be far more efficient to have one judge preside over it. Third, reassignment would not cause delay as the cases are at their inception. Fourth, because the cases are almost identical and involve the same core of law and facts, they are susceptible to disposition in a single proceeding.

WHEREFORE, for the reasons stated above, Boeing respectfully requests that this Court issue an order, in accordance with Local Rule 40.4, finding that the consolidated proceeding is

related to the Removed Action, and reassigning the Removed Action to this Court as part of the consolidated case “In re Lion Air Flight JT 610 Crash.”

DATED: September 4, 2019

THE BOEING COMPANY

By: /s/ Bates McIntyre Larson
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CERTIFICATE OF SERVICE

I, Bates McIntyre Larson, certify that on September 4, 2019, I electronically filed the foregoing **DEFENDANT THE BOEING COMPANY'S MOTION FOR REASSIGNMENT OF RELATED CASES** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to attorneys of record, and by email.

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I certify under penalty of perjury that the foregoing is true and correct.
DATED this 4th day of September, 2019.

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